

4

1 Carl W. Collins (State Bar No. 109282)
2 Attorney at Law
3 1127-12th Street, Suite 106
4 P.O. Box 3291
5 Modesto, California 95353
6 (209) 521-8100 Telephone
7 (209) 524-8461 Facsimile
8 carl@cwcollinslaw.com

9 Attorney for Trustee
10 Irma C. Edmonds

11
12 IN THE UNITED STATES BANKRUPTCY COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA
14 (Modesto Division)

15 In re:)	Case No: 13-90090
16 Jorge Sanchez Perez,)	Chapter 7 Case
17 2429 Bellamy Street)	DC. No. CWC-4
18 Modesto, CA 95354)	
19 S.S.N. xxx-xx-3918)	
20)	Date: April 10, 2014
21)	Time: 10:30 a.m.
22 Debtor.)	Place: Modesto Courtroom
)	Department E

23 MOTION FOR AUTHORIZATION TO SELL

24 REAL PROPERTY OF THE ESTATE

25 To: The Honorable Ronald H. Sargis, U.S. Bankruptcy Judge:

26 Irma C. Edmonds, the duly qualified and acting trustee in
27 this case, pursuant to 11 U.S.C. § 363(b) respectfully
28 represents:

1. This Court has jurisdiction of this matter under
28 U. S. C. §§ 1334 and 157(a).

2. On January 16, 2013, the Debtor filed a petition under
Chapter 7 of the bankruptcy Code, in the above-entitled Court.
Irma C. Edmonds, has been appointed Chapter 7 Trustee in the
case.

1 3. Among the assets which constitute property of the
2 bankruptcy estate is the Debtor's interest in real property
3 located at 1746 Monterey Avenue, Modesto, CA, APN 035-049-012,
4 ("Subject Property"), more particularly described in the
5 Preliminary Title Report of Old Republic Title Co. dated February
6 13, 2014, attached to the List of Exhibits filed concurrently
7 herewith.

8 4. The Trustee has entered into an agreement with Jessica
9 Buendia, 1746 Monterey Avenue, Modesto, CA and Randall Steele,
10 442 Weyer Road, Modesto, CA, (the "Buyers"), or nominee, for sale
11 of the Subject Property for \$50,000.00 in cash or certified funds
12 upon the terms and conditions described in the California
13 Residential Purchase Agreement and Joint Escrow Instructions with
14 Addendum dated February 11, 2014 (the "Agreement") which is
15 annexed to the List of Exhibits filed concurrently herewith.

16 5. The Buyers have deposited the sum of \$3,000.00 with the
17 Trustee to be held in trust pending court approval of the sale.
18 The Buyers are purchasing the Subject Property on an "As Is,
19 Where Is" basis. Said sale is without representation or
20 warranties of any kind, express or implied, including, without
21 limitation, representations of merchantability and/or fitness for
22 any particular purposes. The sale is subject to Bankruptcy Court
23 approval and subject to third party overbids at the hearing on
24 this matter. Prior to the hearing on this matter, all third
25 party bidders must deposit \$3,000.00 in certified funds with the
26 Trustee and agree to execute a contract with terms and conditions
27 identical to the Agreement in order to be eligible to make
28 overbids at the hearing. All deposits of unsuccessful bidders
are fully refundable.

1 6. Under the terms of a separate agreement, PMZ Real
2 Estate, the Trustee's and Buyers' licensed real estate broker
3 will receive a brokerage fee of 6% of the sales price.

4 7. The Trustee is informed and believes that the bankruptcy
5 estate will not incur any adverse tax consequences from the sale.

6 8. Said sale will fully pay all liens, encumbrances, taxes,
7 etc. on the Subject Property. The costs and expenses of such
8 sale include, but are not limited to, all closing costs, all
9 property taxes and assessments and the real estate broker's
10 commission.

11 9. Said sale represents the Trustee's best efforts to sell
12 the Subject Property for the highest possible price and the
13 Trustee believes that the proposed sale is in the best interest
14 of the estate.

15 WHEREFORE, the Trustee, Irma C. Edmonds, prays for an Order
16 of this Court:

17 1. Authorizing the Trustee, pursuant to 11 U.S.C. § 363(b)
18 to sell the Debtor's interest in the real property located at
19 1746 Monterey Avenue, Modesto, CA, APN 035-049-012, to Jessica
20 Buendia and Randall Steele, or nominee, for the sum of \$50,000.00
21 in cash or certified funds upon the terms and conditions in the
22 above-described Agreement;

23 2. Authorizing the Trustee to pay through escrow all costs
24 and expenses of the sale including but not limited to, all liens,
25 encumbrances, closing costs, all property taxes and assessments
26 and the payment of a real estate commission in the amount of 6%
27 of the sale price to PMZ Real Estate;

28 3. Authorizing such overbids as may be submitted at the

1 time of the hearing on this Motion, subject to such terms and
2 conditions as may be required by the Trustee and/or the Court;

3 4. Authorizing the execution and delivery by the Trustee of
4 any and all documents which may be necessary or convenient to
5 conclude the transaction;

6 5. Granting such other and further relief as the court
7 deems proper.

8 Dated: 3-12-14

Respectfully Submitted,

9 Law Office of Carl W. Collins

10 
11 Carl W. Collins, Esq.
12 Attorney for Trustee
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28